

from the Louisiana coast in 1963 as a result of exposure to pesticides that were contaminating the environment; the brown pelican was listed as endangered in 1970.

The brown pelican was reintroduced into Louisiana from Florida between 1968 and 1980. The population has increased steadily with 318,215 young produced between 1971 and 2005. In 2004, 16,501 nesting pairs produced an all time high of 39,021 fledglings. Production decreased 35.2 percent in 2005 to 25,289 fledglings as a result of an oil spill at the West Breton Island colony caused by tropical storm Arlene, and the cumulative effects of Hurricanes Cindy, Dennis, Emily, Katrina and Rita. Ninety-five percent of production occurred west of the Mississippi River as a result of early nesting and no colony flooding from Tropical Storm Arlene. Colonies east of the Mississippi River were repeatedly flooded by the tropical storm and hurricanes causing fledgling mortality.

Young brown pelicans west of the Mississippi River had reached flight stage at the time of Hurricane Katrina with no direct mortality at colonies. Conversely, brown pelicans incubating eggs and caring for five-to-six-week-old young east of the Mississippi River, when Katrina struck were impacted as eggs and young were washed away. In addition, this storm reduced the size of the Chandeleur Islands by 90 percent and completely washed away West Breton Island, Mitchell Island and Grassy Island.

Nesting habitat has been declining since 1998 when Hurricane Georges made landfall, which degraded brown pelican nesting habitat on barrier islands along Louisiana's coast. Hurricane Ivan in 2004, and Hurricanes Katrina and Rita in 2005, caused catastrophic destruction of barrier islands and brown pelican nesting colonies. The Louisiana Department of Wildlife and Fisheries will continue intensive brown pelican population monitoring to determine 2006 nesting success, production, and also evaluate the long term impacts of habitat loss from Hurricanes Katrina and Rita. For additional information, contact Tom Hess at 337-538-2276 or thess@wlf.louisiana.gov.

MS will Double Size of Pass Christian, Long Beach Harbors

By JOSHUA NORMAN and TOM WILEMON

<http://www.sunherald.com/mld/sunherald/news/14882817.htm>

Secretary of State Eric Clark announced Thursday an agreement with city leaders on the expansion of Pass Christian and Long Beach harbors to nearly double their size. In the agreement was one major caveat: In order to receive final approval from the secretary of state for the expansion, both cities must not allow any gambling in either the current or expanded parts of the harbor.

Pass Christian residents have long been opposed to gambling within their city limits. A non-binding referendum on casinos is expected to take place in Long Beach on Tuesday. The announcement also changes the scope of what Long Beach voters will decide Tuesday, as the wording of the referendum asks residents to consider whether they want casinos across the highway from the harbor.

Before Clark's announcement, the area adjacent to Long Beach's harbor offered limited spaces for development, including the possibility of casinos. Now that area will effectively double. Clark said the restriction to the expansion may not matter to the referendum, because according to his office's interpretation of the new casino-placement law, casino developments are not limited by law to harbor areas. "I think the law says that you can put a casino anywhere on land within 800 feet of the water if you own the land that goes to state property," said Clark. "I think it means if you go to the highway or if you go to the beach, I think you can put a casino there."

State Rep. Bobby Moak (53rd District), chairman of the House Gaming Committee that helped craft the recently revised casino-placement law, said although this may be true in principle, it does not tell the whole story of where casinos are allowed to go. "He wasn't completely wrong, there's just a lot of other issues involved," said Moak, adding some of those other issues are environmental and zoning regulations. "There's a lot of stumbling blocks. (The) Gaming Commission would have the last word on that. "The biggest safeguard that we have is the Gaming Commission. I don't believe you're simply going to see the Gaming Commission go willy-nilly and let the horse run on site selection."

The Gaming Commission regulation on this issue mandates that any casino developer lease or own the land from the mean high tide to 800 feet inland for it to be a legal gambling site. "The applicant or licensee must own and/or lease the land this is contiguous both to the parcel used to conduct gaming and the point of reference used to determine the mean high water line, and this land must be shown to be an integral part of the project," the regulation states.

The owner of property on the north side of U.S. 90, who has no land on the beach side of the highway, does not hold a legal gambling site, according to this regulation. The Gaming Commission will not even consider giving a location legal gambling status until it has the local zoning and a developer gives notice of intent to develop the site. Biloxi allows casinos to go only where there is land next to the water. The land across from public beaches is not zoned for casinos. Bottomlands, where the harbors will be expanded, belong to Mississippi. One of the secretary of state's duties is to be the trustee of state lands.

GLO Finds Another Way to Help Keep Texas Beaches Clean

AUSTIN — Texans can now make tax-deductible donations directly to the Texas General Land Office's Adopt-A-Beach Program via the agency's Web site. The donated money goes directly to raising awareness about the Adopt-A-Beach Program, which is an all-volunteer effort to preserve and protect Texas beaches. The program holds three beach cleanups every year in a variety of locations all along the Texas coast, as well as an annual Children's Art Contest to increase student awareness about the need for a healthy Texas coastline.

"On World Oceans Day we should all be reminded of the importance of clean beaches," said Jerry Patterson, Commissioner of the Texas General Land Office. "The goal of the Adopt-A-Beach Program is to make every Texan aware of the need for a clean Texas coast and what they can do to help. It's the right thing to do for both the environment and economy of the Texas coast."

Texas beaches receive large amounts of marine debris due to a convergence of currents in the Gulf of Mexico. Since the first Adopt-A-Beach cleanup in 1986, more than 340,000 volunteers have picked up more than 6,400 tons of trash along 200 miles of Texas beaches. The Adopt-A-Beach Program is also asking for in-kind donations. Current items on our wish list include trash bags, latex gloves and sharpened pencils — these items are used for Adopt-A-Beach cleanups across the state.

The Texas General Land Office Adopt-A-Beach Program will be having a mid-summer directmail fundraising campaign to encourage more Texans to contribute to this highly successful program. For more information on the Adopt-A-Beach Program or to make a donation, please visit www.texasadoptabeach.org or contact the GLO at 1-877-TXCOAST.

Other News

Senate Approves Re-Authorization of Magnuson-Stevens Act

Source: Associated Press Date of Story: June 20, 2006; Summary by: Josh Clemons

The U.S. Senate has unanimously approved a bill that will re-authorize and revamp the 30-year-old linchpin of U.S. fisheries law, the Magnuson-Stevens Fishery Conservation and Management Act. The bill would require annual catch limits, increase the authority of the regional fishery management councils, strengthen the role of scientific advisory committees, and incorporate recommendations of the U.S. Commission on Ocean Policy. The bill's advocates, who include Alaskan senator Ted Stevens (the "Stevens" in Magnuson-Stevens), claim that it will simultaneously protect fish stocks and the fishing industry. A different bill is currently being considered by the House of Representatives.

Draft Economic Analysis of Conservation Action to Protect Beach Mice Released

June 13, 2006; Gail Carmody, (850) 769-528-0552 (ext 225) Jeffrey Fleming, (404) 679-7287

This week, the U.S. Fish and Wildlife Service will release an analysis that estimates costs related to the proposed critical habitat and conservation of the Perdido Key beach mouse, the Choctawhatchee beach mouse, and the St. Andrew beach mouse at a range of \$52.5 million to \$99.4 million over the next 20 years. A notice of availability of the economic analysis will be published in the *Federal Register* on June 16, 2006. In releasing the analysis, the Service also reopened the public comment period on a revision to the proposed critical habitat for the three mice to allow for public review of a modification to the boundary of proposed critical habitat units PKBM-5 and CBM-5, and a correction made in the proposed rule. The Service will accept public comments until **July 17, 2006**.

Two public hearings will be held on the critical habitat proposal. The Service will hold informational meetings before each public hearing at the hearing location. The public information sessions will start at 5 p.m. and end at 6:30 p.m. The formal public hearings will start at 6:30 p.m. and end at 8:30 p.m. at the following addresses on the dates indicated below:

June 26, 2006: Gulf Coast Community College, Student Union, East Building, Conference Center, 5230 West U.S. Highway 98, Panama City, Florida 32401.

June 27, 2006: Perdido Bay Community Center, 13660 Innerarity Point Road, Pensacola, Florida 32507.

The Perdido Key beach mouse, Choctawhatchee beach mouse, and St. Andrew beach mouse are protected under the Endangered Species Act (ESA) wherever they occur and Federal agencies are required to consult on any action they take that might affect the species. The designation of critical habitat will help the species by ensuring that Federal agencies and the public are aware of the habitat needs of this species and that proper consultation is conducted by Federal agencies when required. Critical habitat is a term used in the ESA. It identifies specific geographic areas that are essential for the conservation of a threatened or endangered species and that may require special management and protection. A critical habitat designation does not establish a preserve or refuge nor does it affect individual citizens, organizations, States, local governments, or other non-federal entities that do not require federal permits or funding. Critical habitat does not include existing developed sites within the proposed units such as roads, driveways, or buildings.

Areas proposed as critical habitat include 13 units along portions of coastal dunes in southern Alabama and the panhandle of Florida is designated as critical habitat for the three subspecies of beach mice. These include five units for the Perdido Key beach mouse in Escambia County, Florida, and Baldwin County, Alabama, five units for the Choctawhatchee beach mouse in Okaloosa, Walton, and Bay Counties, Florida, and three units for the St. Andrew beach mouse in Bay and Gulf Counties, Florida. The units total approximately 6,416 acres of habitat.

The draft economic analysis for these three beach mice identifies potential costs of approximately \$52.5 million to \$99.4 million over a 20-year period or approximately \$5 million to \$9.4 million annually as a result of the proposed designation of critical habitat. This includes costs resulting from the listing and the proposed critical habitat designation. The Endangered Species Act requires the Service to consider potential economic impacts of a critical habitat designation when determining whether or not to designate critical habitat. If the benefits of excluding an area outweigh the benefits of including it, the Services may exclude an area from critical habitat, unless the exclusion would result in the extinction of the species.

Copies of the economic analysis, proposed rule, and maps are available by contacting Sandra Sneckenberger, U.S. Fish and Wildlife Service, 1601 Balboa Avenue, Panama City, Florida 32405 (telephone 850/769-0552, extension 239; facsimile 850/763-2177). These documents can also be found at <http://www.fws.gov/panamacity/>. Written comments should be submitted to the Panama City Field Office, addressed to Sandra Sneckenberger, at the above address. Written comments can be delivered to the Panama City Field Office at the above address. Comments may also be faxed to 850/763-2177, or sent by electronic mail (e-mail) to floridabeachmouse@fws.gov. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this comment period and will be fully considered in preparation of the final rule.

Sharply Divided Supreme Court Tackles Wetland Protection

June 20, 2006 — By John Flesher, Associated Press

TRAVERSE CITY, Mich. — After fighting the federal government for more than 18 years, Keith Carabell is resigned to more uncertainty after the U.S. Supreme Court ordered another look at his plan to build condominiums in a wetland area. In a case so divisive it produced five separate opinions totaling more than 100 pages and no clear majority, the court ruled that the government can block development on hundreds of millions of acres of wetlands, even on land miles away from waterways, as long as regulators prove a significant connection to the waterways.

The 5-4 decision sends Carabell and another Michigan developer's cases back to a federal appeals court -- with no end to the spat in sight. "I'm not sure I'll live to see the end of this," the 79-year-old accountant said. In his first major environmental case, Chief Justice John Roberts came up one vote short of dramatically limiting the scope of the landmark Clean Water Act. But at the same time, property rights advocates won a new test for when wetlands can be regulated. Moderate Justice Anthony M. Kennedy said there must be a "significant nexus" between the wetland and a navigable waterway. Neither environmentalists nor property rights activists had a clear-cut victory. "It muddied already muddy waters on this issue," said Jim Murphy, wetlands counsel with the National Wildlife Federation.

The court's four conservative justices favored sharply curtailing the government's jurisdiction over wetlands under the 1972 Clean Water Act, while the four liberal members argued the U.S. Army Corps of Engineers should have discretion to protect wetlands adjacent to tributaries of waterways such as rivers and lakes. Roberts and the court's other three conservatives complained in an opinion that virtually any land in America would be covered under the government's interpretation of the law.

But the controlling vote was cast by moderate Justice Anthony M. Kennedy. He joined the conservatives in overturning lower court rulings against Carabell and developer John Rapanos, yet said wetlands could come under the Clean Water Act if they "significantly affect the chemical, physical and biological integrity" of nearby navigable waters.

"It's really a bizarre situation," said Richard Lazarus, a Georgetown University law professor. Roberts, Justice Antonin Scalia, Justice Clarence Thomas and new Justice Samuel Alito were in the conservative bloc. Siding with liberal Justice John Paul Stevens were Justices David H. Souter, Ruth Bader Ginsberg and Stephen Breyer. It was a dramatic conclusion to a pair of property rights cases the justices agreed to review last fall, just days after Roberts joined the court. The Bush administration defended the law and had urged the court to stay out of the case.

The justices themselves appeared troubled by their inability to agree on a clear standard for wetland protection. Roberts said the result was confusing and that "lower courts and regulated entities will now have to feel their way on a case-by-case basis." Stevens predicted developers would be uncertain about whether they would need permits to work around wetlands and regulators would struggle to apply Kennedy's test for determining whether land is connected to a navigable waterway. Several justices urged the U.S. Army Corps of Engineers, the agency that determines whether to allow development of federally regulated wetlands, to clarify its regulations.

"I think it's a message to all federal agencies that they need to define their authority clearly under the law," said Reed Hopper, a lawyer with the Pacific Legal Foundation, which represents Rapanos. Congress also may get involved. Bills pending in the House and Senate favor an expansive view of federal authority over wetlands. Rapanos, 70, of Midland, ran afoul of regulators by attempting to develop three parcels they said contained wetlands. He filled in a portion of one property with sand to build a shopping center, defying cease-and-desist orders and insisting it had no wetlands. The nearest navigable waterway is a Lake Huron tributary river about 20 miles away, but state and federal officials said adjacent ditches provided a direct surface link. Carabell wanted to build condominiums on a 19-acre parcel in Macomb County, north of Detroit. He obtained a state permit but the Army Corps balked, saying the property had wetlands within the Lake St. Clair drainage system even though they were separated from a tributary ditch by a man-made earthen berm.

EPA Releases Latest Beach Monitoring Figures

Contact Information: Dale Kemery, (202) 564-4355 / kemery.dale@epa.gov

(Washington, D.C. – June 23, 2006) EPA beach monitoring data on bacteria released today indicate that beaches were safe for swimming 96 percent of the time in 2005. In addition, the number of beaches reported has increased some four times the original number since EPA began collecting such information. "Water quality monitoring leads to cleaner beaches and greater peace of mind for citizens and coastal communities," said Assistant Administrator for Water Benjamin H. Grumbles. "Through President Bush's commitment to clean water, four times as many beaches are monitored today as were a decade ago - protecting the health of both beach-goers and beach economies."

Since EPA began collecting data, the number of beaches monitored has almost quadrupled to 4,025 for 2004, compared with 1,021 in 1997. Between 2004 and 2005 there was an increase of 451 beaches monitored. For the first time since the passage of the BEACH Act of 2000, today's report includes data from all 35 coastal and Great Lakes states and territories covered under the Act.

For the past six years, EPA has provided nearly \$52 million in grants to 35 coastal and Great Lakes states and territories. The grants help improve water monitoring and fund public-information programs that alert beach-goers about the health of their beaches. In addition, EPA is working to make information about beach water quality available faster and easier. New data-collection techniques among state and local partners will make the 2006 swimming season data more readily available to the public.

EPA is in the process of completing new technology for assessing water quality at beaches so results are made available in hours rather than days. These new tests will allow beach managers to sample water in the morning and make fast but reliable decisions about the safety of beach waters the same day. The beach-monitoring program is part of the Beaches Environmental Assessment and Coastal Health (BEACH) Act. Coastal and Great Lakes states and territories must report to EPA on beach monitoring and notification data for their coastal recreation waters.

Summary information for 2005 is available at: <http://www.epa.gov/waterscience/beaches/> Information about specific beaches is available at: <http://www.epa.gov/waterscience/beacon/> . General information about EPA's beaches program, including a listing of all 35 coastal and Great lakes states and territories is available at: <http://www.epa.gov/beaches/>

Hurricane Preparedness Information in Spanish

Contact Information: Roxanne Smith, (202) 564-4355 / smith.roxanne@epa.gov, En español, Lina Younes, (202) 564-9924 / younes.lina@epa.gov.

(6/14/06) The U.S. Environmental Protection Agency has launched a new hurricane preparedness Web page in Spanish to provide information to Spanish speakers and Hispanic businesses nationwide, including Puerto Rico. Early preparations during hurricane season can minimize injury and property damage. Households and businesses should take this opportunity to start planning at the beginning of the hurricane season and prepare well in advance.

[Hurricane preparedness information](#)
[More general environmental information in Spanish](#)

Grant Opportunities

Gulf of Mexico Alliance Regional Partnership Request for Proposals

The Gulf of Mexico Program is announcing the [availability of funding](#) to address activities in the [Gulf of Mexico Alliance](#) Governors' [Action Plan](#) for Healthy and Resilient Coasts. For further information or alternative submission methods contact: Esther Coblentz Coblentz.esther@epa.gov Phone: 228-688-1281

Dates: The deadline for submissions is **July 11, 2006**, 6 pm CST. Proposals should be submitted by electronic mail to GMP.proposals@epa.gov or through <http://www.grants.gov>.

Funding Opportunity Description: An estimated amount of up to \$3,000,000 for between approximately ten to fifty cooperative agreements may be awarded under this announcement to eligible applicants for projects that improve the health of the Gulf of Mexico by addressing improved water

quality and public health, priority coastal habitat protection/recovery, more effective coastal environmental education, improved habitat identification/characterization data and decision support systems, and strategic nutrient reductions. Projects must actively involve stakeholders and focus on support and implementation of the Gulf of Mexico Alliance Governors' Action Plan for Healthy and Resilient Coasts.

Eligible Applicants: State and local governments, interstate agencies, tribes, colleges and universities, individuals, and other public or nonprofit organizations. EPA will require nonprofit organizations selected for funding to provide verification of their nonprofit status prior to the grant award.

Matching Requirements: There is no matching requirement; however, the extent of partnerships and leveraged funding will be considered by reviewers during the evaluation process.

One-NOAA Proposals to Address Coastal Resilience

A federal funding opportunity to increase the nation's resilience to extreme weather and climate change was published in the *Federal Register* on June 12. Successful applicants will partner with NOAA to create a regional framework for a community resilience index to increase the capacity of coastal communities to survive, mitigate, and recover from natural hazards. The announcement also proposes to establish a Climate and Weather Impacts on Society and the Environment cooperative agreement to address the physical, social and economic impacts of sea level variability and change. Three NOAA program offices (NOS' Coastal Services Center, NESDIS' National Climatic Data Center, and OAR's Climate Program Office) are participating. For details on these grant opportunities, visit: www.grants.gov. For more information, contact [Margaret Davidson](#).

Energy

FERC Authorizes Three New LNG Import Terminals and Expansions of Two Others

The Federal Energy Regulatory Commission today approved applications to develop five liquefied natural gas (LNG) import facilities, which if brought on line would increase U.S. LNG-import vaporization capacity initially by up to 8.2 billion cubic feet per day (bcf/d), and eventually to 9.7 bcf/d. "The increase in natural gas supplies represented by these projects, once constructed, would have a significant impact on domestic natural gas prices in the future," observed Commission Chairman Joseph T. Kelliher. "Importantly, this new supply will land on not only the Gulf Coast but also in market areas on the East Coast, which will help meet demand and lower prices in market areas."

The Commission authorized the construction and operation of three new LNG import terminals and related facilities:

- **Creole Trail LNG & Creole Trail pipeline** – Cheniere's Creole Trail LNG is authorized to site, construct and operate a new LNG import terminal in Cameron Parish, Louisiana

- **Port Arthur LNG and Port Arthur pipeline** – The Commission granted Sempra's Port Arthur LNG authority to site, construct and operate a new terminal and related facilities near Port Arthur, Texas
- **Sabine Pass LNG** – The commission approved an expansion of the proposed Sabine LNG project, which was authorized in December 2004 to be constructed and operated in Cameron Parish, Louisiana

Read the full press release [here](#).

FERC Proposes Expanding Blanket Certificate Eligibility for Natural Gas Infrastructure Projects

The Federal Energy Regulatory Commission today proposed rules that would extend blanket certificate authority to interstate natural gas facilities previously ineligible for such consideration. The proposal also would raise project cost limits. Blanket certificates are granted to companies that already hold a certificate of public convenience and necessity under section 7 of the Natural Gas Act. The program provides procedures that allow blanket certificate holders to improve and upgrade existing natural gas facilities that meet certain criteria without the need for a case-specific section 7 Natural Gas Act certificate authorization for the project.

In November 2005, the Natural Gas Supply Association and the Interstate Natural Gas Association of America filed a joint petition for rulemaking seeking revisions to the blanket certificate program to expand the types of activities that would be eligible under a blanket certificate and requested the project cost limits be raised. In addition, the petitioners asked the Commission clarify its policies as they pertain to natural gas companies that charge different rates for the same firm service based on the date the customers contract for that firm service.

Comments to the proposed rule must be submitted within 60 days after publication in the Federal Register. All comments must include the Docket No. RM06-7-000 and may be submitted electronically by following the instructions on the Commission's website, www.ferc.gov. Commenters unable to file electronically may send an original and 14 copies of their comments by postal mail to the Federal Energy Regulatory Commission, Office of the Secretary, Washington, DC 20426.

Read the full press release [here](#).

Governor Blanco Says Federal Environmental Assessment for Oil and Gas Offshore Lease Sale Not Good Enough

Governor Blanco's Statement of May 24, 2006: "I was very disappointed to learn that the Environmental Assessment for Western Gulf Lease Sale 200 is woefully insufficient to address the needs of the state. On May 18, I directed officials at the Louisiana Department of Natural Resources to detail these concerns in a letter to the Minerals Management Service (MMS) of the U.S. Department of Interior.

"The letter calls into question the failure of MMS to consider in its EA the impacts of Hurricanes Rita and Katrina on our coastal landscape and our ability to sustain the onshore support required for future leases in the Gulf. In fact, the landscape itself is vital to the ecological, cultural and economic security of Louisiana and the nation.

"The letter calls for MMS to analyze the altered environmental baseline and what the indirect and cumulative impacts of any further OCS activities may be before proceeding with Lease Sale 200. The welfare of the people and the environment of this state cannot afford the potential harm that may result from inadequate plans for OCS development. For that reason, the letter states that following through with the lease sale at this time is premature.

"I will do everything in my power to ensure our fragile coast is protected, that our communities are safe, our fisheries sustainable, our infrastructure that serves this nation's navigation needs and supports its domestic energy production is secure. This letter is yet another step in that process."

Training and Conferences

Eighth Biennial "BASICS OF THE BASIN" Research Symposium

Announcement and Call for Papers for the Eighth Biennial "BASICS OF THE BASIN" Research Symposium addressing the environmental condition and restoration the Lake Pontchartrain Basin, Louisiana to be held October 25-26, 2006 at the Lindy Boggs International Conference Center, University of New Orleans, New Orleans Lakefront Campus

Research Summaries must be received August 25, 2006 Guidelines for submission of Research Summaries are available at SaveOurLake.org (see Coastal Sustainability Program). For more information call John A. Lopez, Ph.D. 225.294.4998 land line / 504.421.7348 cell

Third National Conference on Coastal and Estuarine Habitat Restoration

Restore America's Estuaries and its Conference Partners will gather the national coastal and estuarine habitat restoration community for a Third National Conference on Coastal and Estuarine Habitat Restoration. Nonprofit and community organizations, businesses and supportive industries, academic and research institutions and agencies from all levels of government will be represented at this Third National Conference, with plenty of opportunities for cross-sector networking and communication. This Conference is the ideal venue to connect with habitat restoration colleagues from your region, and also to learn from others restoration successes (and challenges!) around the country.

Location: New Orleans, Louisiana, USA

Dates: December 9-13, 2006

Contact Information: Nicole Maylett, E-mail: nmaylett@estuaries.org Phone: 703-524-0248

Inquiries: conference@estuaries.org

Home Page URL: <http://www.estuaries.org/?id=4>

Did you find this edition useful? Please send suggestions, comments, and new items for publication to Laurie.Rounds@noaa.gov